

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

OMARI TAHIR aka, JAMES C.  
GARRETT,

Plaintiff,

v.

RONALD ENGLISH, individually and in  
his OFFICIAL CAPACITY as the General  
Counsel of SEATTLE PUBLIC SCHOOL  
DISTRICT NO. 1; LARRY DORSEY,  
Individually and in his Official Capacity as  
the PUBLIC SAFETY DIRECTOR of  
SEATTLE PUBLIC SCHOOL DISTRICT  
NO. 1; SEATTLE PUBLIC SCHOOL  
DISTRICT No. 1; DOES 1-250,

Defendants.

No. 2:15-cv-01819-MJP

JOINT STATUS REPORT AND  
DISCOVERY PLAN

Pursuant to this Court's April 27, 2016 Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement, Defendants hereby submit their Rule 26(f) Joint Status Report.

**STATEMENT OF PLAINTIFF'S FAILURE TO COMPLY WITH THE COURT'S  
ORDER REGARDING INITIAL DISCLOSURES AND THE JSR.**

Plaintiff requested and received an extension (Dkt. No. 20) to respond to the Court's Order regarding Initial Disclosures, Joint Status Report, and Early Settlement on May 27,

2016. Defendants had attempted multiple times to contact Plaintiff regarding the Joint Status Report (“JSR”), but Plaintiff ceased responding and has become completely non-responsive.

Defendants initially called Plaintiff regarding the JSR on June 1, and Plaintiff requested Defendants send over a copy of our proposed JSR for him to review and make changes. Defendants emailed Plaintiff on June 6, with a proposed Joint Status Report and the Court’s Order so Plaintiff would have the proper format. Defendants also sent hard copies of these documents to Plaintiff’s listed address on that date. Defendants then followed up with Plaintiff on June 20 by e-mail, asking for an update. Defendants did not receive Initial Disclosures from Plaintiff, which were due a week ago, and have not gotten any response from Plaintiff regarding the JSR. Therefore, in order to comply with the Court’s Order, Defendants respectfully submit their proposed Joint Status Report.

### **1. Nature and Complexity of the Case**

This civil rights case is not complex. Plaintiff brings seven separate counts against all Defendants alleging various state law claims against “All Defendants” including: False Arrest, False Imprisonment, Battery and Assault, Abuse of Process, Wrongful Forcible Eviction/Detainer, Intentional Infliction of Emotional Distress, and Negligence. He also brings federal claims under Section 1983 as to all individual Defendants alleging violation of his First, Fourth, Fifth, and Fourteenth Amendment rights. Defendants Seattle School District, Ronald English, and Larry Dorsey deny these allegations and assert a number of defenses, including qualified immunity and res judicata.

### **2. Deadline for Joining Additional Parties**

Defendants propose August 1, 2016 as the deadline for joining additional parties.

### **3. Magistrate**

No.

**4. Discovery Plan**

(A) Defendants have already served their Initial Disclosures pursuant to the Court's order.

(B) Discovery will focus on the interaction between the parties, the nature of plaintiff's claims for liability and damages, and the defendants' defenses. Defendants reserve the right to seek protective orders that limit discovery.

(C) Defendants do not anticipate any issues with disclosing electronically stored information as requested and as governed by the Federal Rules of Civil Procedure.

(D) Defendants may seek a protective order regarding the production of certain personal or otherwise sensitive information.

(E) Defendants do not propose any limitations on discovery, other than those already provided in the Federal Rules of Civil Procedure. Defendants reserve the right to file motions to restrict discovery as the need arises.

(F) Defendants Seattle School District, Ronald English, and Larry Dorsey anticipate bringing a Motion for a Protective Order regarding Defendants Ronald English and Larry Dorsey if such discovery is sought.

**5. Proposed Case Management under Local Civil Rule 26(f)(1)**

(A) At this point, there have been no settlement discussions between the parties.

(B) Defendants may elect to participate in mediation. Should it arise, Defendants believe mediation should take place after the close of discovery and the expiration of the dispositive motion filing deadline.

(C) There are two related cases brought by other individuals who were arrested and removed from the Horace Mann Building: *Lewis, et al. v. English, et al.* - Cause No. 2:15-cv-00345-TSZ; and *Fuller v. English, et al.* - Cause No. 2:15-cv-01837 RSM.

1 (D) Defendants will attempt to resolve discovery disputes with Plaintiff.  
2 Defendants will manage discovery in a manner to effectuate full disclosure and minimize  
3 expense.

4 (E) Defendants anticipate seeking discovery on issues of liability and damages.

5 (F) Defendants anticipate moving to dismiss some or all of plaintiff's claims.

6 (G) Defendants are not aware of any preliminary issues related to the preservation  
7 of discoverable information or the scope of the preservation obligation.  
8

9 (H) In the event of inadvertent production of privileged information, Defendants  
10 agree to return said information as soon as possible, and the production shall not constitute a  
11 waiver of the privilege. Defendants do not anticipate any privilege-related issues outside of  
12 general attorney-client and work-product privileges.

13 (I) Defendants do not anticipate any problems in exchanging relevant  
14 electronically stored information.

15 (J) Defendants do not believe that adopting the Model Agreement Regarding  
16 Discovery of Electronically Stored Information in Civil Litigation is necessary in this case.  
17 Discovery in this case is fairly straightforward and the majority of information can be  
18 exchanged in print form.  
19

## 20 **6. Proposed Discovery Deadline**

21 Defendants propose a discovery cutoff of June 20, 2017.

## 22 **7. Bifurcation**

23 Defendants reserve the right to move for bifurcation of some claims, whether by  
24 Defendants, claims, or otherwise.  
25  
26  
27

**8. Pre-Trial Statements and Pre-Trial Order**

Defendants believe that pretrial statements and the pretrial order should be dispensed with in this case, except as to the lists of witnesses and exhibits.

**9. Shortening or Simplifying the Case.**

Defendants anticipate filing a motion to, among other things, dismiss Ronald English as a defendant as he was not involved in the decision to remove Plaintiff from the Horace Mann building or trespass Plaintiff from Seattle School District property.

**10. When the Case will be Ready for Trial.**

Defendants believe this case will be ready for trial in October of 2017.

**11. Whether the Case will be a Jury or a Non-Jury Trial**

This case will be a jury trial.

**12. Length of Trial**

Defendants anticipate trial will take five days.

**13. Trial Counsel**

Stewart Estes  
Attorney for Defendants Seattle School District, Ronald English, and Larry Dorsey  
Keating, Bucklin & McCormack, Inc., P.S.  
800 Fifth Ave., Suite 4141  
Seattle, WA 98104  
Phone: (206) 623-8861

Derek Chen  
Attorney for Defendants Seattle School District, Ronald English, and Larry Dorsey  
Keating, Bucklin & McCormack, Inc., P.S.  
800 Fifth Ave., Suite 4141  
Seattle, WA 98104  
Phone: (206) 623-8861

Mr. Omari Tahir  
Pro se Plaintiff  
P.O. Box 22328  
Seattle, WA 98122

1 **14. Trial Counsel Unavailability**

2 Trial counsel for Defendants are not available between January and April of 2017,  
3 and August through September except for the first week in August, 2017.

4 **15. Service**

5 Defendants Seattle School District, Ronald English, and Larry Dorsey do not  
6 dispute service.

7 **16. Whether the Parties Request a Scheduling Conference**

8 Defendants do not request a scheduling conference prior to the Court entering a  
9 scheduling order in this case.  
10

11 **17. Nongovernment Corporate Parties**

12 Not applicable.

13 DATED: May 23, 2016.

14 KEATING, BUCKLIN & McCORMACK,  
15 INC., P.S.

16  
17 By: /s/ Derek C. Chen

Derek C. Chen, WSBA #49723

18 Attorneys for Defendants  
19 800 Fifth Avenue, Suite 4141  
20 Seattle, WA 98104-3175

Phone: (206) 623-8861

21 Fax: (206) 223-9423

Email: [dchen@kbmlawyers.com](mailto:dchen@kbmlawyers.com)

22  
23  
24 By: \_\_\_\_\_

Omari Tahir aka James C. Garrett

25 Plaintiff, Pro se

26 P.O. Box 22328

27 Seattle, WA 98122

**CERTIFICATE OF SERVICE**

I hereby certify that on July 8, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

**Attorneys for Plaintiff, Pro Se**

Mr. Omari Tahir aka James C. Garrett  
P.O. Box 22328  
Seattle, WA 98122

DATED: July 8, 2016

/s/ Derek C. Chen

Derek C. Chen, WSBA #49723  
Attorneys for Defendants  
800 Fifth Avenue, Suite 4141  
Seattle, WA 98104-3175  
Phone: (206) 623-8861  
Fax: (206) 223-9423  
Email: dchen@kbmlawyers.com